

OCT 25 2005 3:40PM

GLAXO WELLCOME

NO. 8353 P. 5

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Carlton, et al.  
Serial No. : 10/009,145  
Filing Date : November 8, 2001

Title : *High Throughput Crystallization Screening Workstation  
and Method of Use*

Grp. /A.U. : 1743  
Examiner : Gakh, Yelena G.  
Confirmation No. : 8459

Docket No. : PU3657USw

Box Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

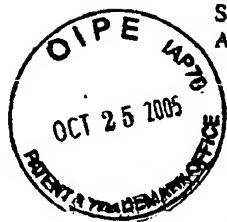
**REQUEST FOR RECONSIDERATION OF  
CALCULATION OF PATENT TERM ADJUSTMENT**

Sir:

This Request for Reconsideration is submitted concurrently with the payment of the Issue Fee in the above-referenced application in response to the Patent Term Adjustment calculation provided in the Notice of Allowance mailed July 26, 2005.

Remarks begin on page 2 of this paper.

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Serial No. 10/009,145  
Attorney Docket No. PU3657USw

### REMARKS

In the Notice of Allowance mailed on July 16, 2005, the Patent Office stated that the Patent Term Extension (PTE) for the present application is 0 days. From the heading of this PTE paper, it appears that the Patent Office determined PTE under 35 U.S.C. § 154(b) for an application filed after June 7, 1995 but prior to May 29, 2000. Applicants respectfully request reconsideration of the determination of PTE because the present application was filed after May 29, 2000, and accordingly is entitled to PTE as described in M.P.E.P. § 2730. Applicants enclose herewith a copy of the "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" mailed February 1, 2002 in the present application, which states that the date of receipt of all 35 U.S.C. requirements is November 8, 2001.

Applicants believe that they are entitled to PTE, which is preliminarily determined as follows:

Date	Action	PTO (days)	Applicant (days)
11-8-2001	Filing Date		
1-8-2003	Filing Date + 14 months		
6-3-2004	1 <sup>st</sup> Action (Restriction Req't) mailed	512	
8-3-2004	Response to 1 <sup>st</sup> Action		31
9-24-2004	2 <sup>nd</sup> Action (non-final rejection) mailed		
3-29-2005	Response to 2 <sup>nd</sup> Action		95
Preliminary Determination of PTE			386

As shown above, Applicants calculate that any patent to issue from the above-identified application is entitled to at least 386 days of PTE. Applicants note that any patent to issue from the above-identified application will issue more than 3 years after the filing date of the application, to wit after November 8, 2004. Accordingly, under 35 U.S.C. § 154(b)(1)(B), Applicants should be entitled to additional PTE above and beyond the 386 days calculated above, with the amount of this additional PTE dependent upon the actual issue date of the patent.

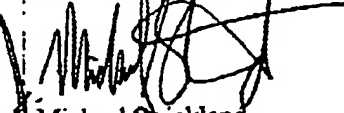
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Serial No. 10/009,145  
Attorney Docket No. PU3657USw

For the reasons described above, Applicants respectfully request the reconsideration of the Patent Term Extension under 35 U.S.C. § 154(b) for the present application.

Applicants encourage the Examiner to direct any questions regarding this request for reconsideration to the undersigned, who may be contacted at (919) 483-9024.

Respectfully submitted,



Michael Strickland  
Attorney for Applicants  
Reg. No. 47,115

Date: October 25, 2005  
GlaxoSmithKline Inc.  
Corporate Intellectual Property  
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GLAXO WELLCOME

NO. 8353 P. 3

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(571) 273-2885

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee communications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23347 7590 07/26/2005

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FIVE MOORE DR., PO BOX 13398  
RESEARCH TRIANGLE PARK, NC 27709-3398  
10/26/2005 TBESHANE 00000072 071392 10009145

01 FC:1501 1400.00 DA  
02 FC:8001 12.00 DA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmittal.

## Certificate of Mailing or Transmittal

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Marjorie J. Pfeiffer

(Depositor's name)

Marjorie J. Pfeiffer

(Signature)

October 25, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009.145	11/05/2001	David Leroy Carlton	PU3657USW	8439

TITLE OF INVENTION: HIGH THROUGHPUT CRYSTAL FORM SCREENING WORKSTATION AND METHOD OF USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	10/26/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
GAKH, YLENA G	1743	436-043000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 J. Michael Strickland  
2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

SMITHKLINE BEECHAM CORPORATION

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

Philadelphia, Pennsylvania

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 4

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 07-1392 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

J. Michael Strickland

Date October 25, 2005Registration No. 47,115

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

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